

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacist License of

RYAN CORELL,
License No. 18987
Respondent.

CASE NO. 2017-159

**COMBINED STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND FINAL
ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Ryan Corell ("Respondent"), 1 Arrowwood, Mason City Iowa 50401, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2018), and 657 IAC chapter 36.

A. STATEMENT OF CHARGES

COUNT I

1. Respondent is charged with failing to ensure the legal operation of a pharmacy, including meeting all inspection and other requirements of state and federal laws, rules, and regulations governing the practice of pharmacy in violation of 657 IAC 8.3(1), and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.6(21).

COUNT II

2. Respondent is charged with being a party to a fraudulent or deceitful practice in the operation or conduct of a pharmacy in violation of 657 IAC 8.11(1), and may be disciplined pursuant to Iowa Code sections 147.55(3) and 155A.12(2), and 657 IAC 36.6(3).

B. FACTUAL CIRCUMSTANCES

3. Respondent's Iowa pharmacist license number 18987 is currently active through June 30, 2018.

4. Respondent is the pharmacist in charge at Mercy Family Pharmacy Regency in Mason City Iowa.

5. As pharmacist in charge, Respondent is responsible for the violations of Iowa pharmacy laws and regulations described in the Statement of Charges filed against Mercy Family Pharmacy Regency in case number 2017-159, which are incorporated by reference.

6. Respondent intentionally changed the expiration date on compounding ingredients to make them appear as though they were not expired. Respondent then used those ingredients after their true expiration dates to compound preparations.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

7. The Board has jurisdiction over the parties and the subject matter of these proceedings.

8. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

9. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

10. Respondent acknowledges that he has the right to be represented by counsel on this matter.

11. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

12. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

13. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

14. This Order shall not be binding as to any new complaints received by the Board.

15. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

16. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

17. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

18. Respondent shall be **INDEFINITELY RESTRICTED** from engaging in any compounding. If Respondent wishes to engage in compounding, Respondent may petition the Board for removal of this restriction. To have the restriction lifted, Respondent shall appear before the Board and

demonstrate that he has appropriate knowledge and training to comply with all applicable compounding standards.

19. Respondent is hereby **CITED** for failing to ensure the legal operation of the pharmacy and **WARNED** that future violations of the laws and rules governing the practice of pharmacy can result in further disciplinary action.

20. Respondent shall pay a **CIVIL PENALTY** in the amount of two thousand dollars (\$2000) within sixty (60) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund.

21. Respondent shall complete two (2) contact hours of **CONTINUING EDUCATION** related to pharmacy ethics or law. None of the hours used to fulfill this requirement can count towards the continuing education hours required for the 2018 renewal of Respondent's pharmacist license. Respondent shall submit a certificate of completion to the Board as proof of successful completion of this requirement within sixty (60) days of Board approval of this Order. Respondent is responsible for all costs associated with obtaining the required continuing education.

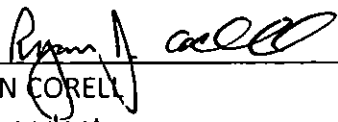
22. So long as Respondent remains as pharmacist in charge at Mercy Family Pharmacy Regency, Respondent is responsible for ensuring Mercy Family Pharmacy Regency complies with the terms of its probation. Respondent's failure to ensure Mercy Family Pharmacy Regency complies with the terms of its probation while Respondent is pharmacist in charge shall be considered a violation of this Order.

23. Respondent shall notify all current pharmacy employers of this Order immediately and shall notify any future pharmacy employers (no later than the time of an employment interview) of the restriction in paragraph 18 for as long as the restriction remains in place.

24. The civil penalty required to be submitted to the Board pursuant to paragraph 20 should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309. The documentation required to be submitted pursuant to paragraph 21 shall be emailed to Amanda.Woltz@iowa.gov.

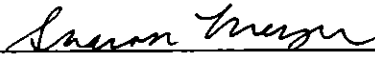
25. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C, and 657 IAC chapter 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 28th day of May, 2018.



RYAN CORELL
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 23 day of May, 2018.



Chairperson
Iowa Board of Pharmacy

RECEIVED

MAY 11 2018

IOWA JUSTICE DEPARTMENT
ADMINISTRATIVE LAW